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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,730	10/20/2000	Donald W Conley	10034-5820	8543

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EXAMINER

TAMAI, KARL I

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/693,730

Applicant(s)

CONLEY, DONALD W

Examiner

Tamai IE Karl

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Specification*

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the claims 1-12 refer to a seal and structural limitations thereto, but the specification discloses those limitations in regards to a gasket rather than a seal. In order to advance prosecution on the merits the examiner will assume the seal is a gasket.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, and 5 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Morimoto (JP 4-075,444). Morimoto teaches a seal 30 having a passage (figure 1) with a seal opening 31 with a resin sealant positioned in the opening. The seal having a wall extending from an upper lip (first seal surface). The resin being flexible to stretch around a wire passing through the opening.

5. Claims 1, 2, 5, 7-9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hatsutori et al. (Hatsutori) (JP 58-192,450). Hatsutori teaches motor 1 and conduit enclosure 12/13 with a seal 16 having a passage 16a with a seal opening in a wall 16c extending from the first surface (inner) and having a resin sealant positioned in the opening/wall. The resin being flexible to stretch around a wire passing through the opening. Figure 10 showing the wall extending in to lead opening enclosure without constraint.

6. Claims 1, 2, 4-8, 21, and 22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by H.L. Smith (US 1,799,071). Smith teaches motor housing 4, a gasket and a terminal box 21. The gasket having inner and outer surfaces with a conic projection extending to the terminal box 21 and forming a cavity therein. The motor having a sealant in the cavity. The steps being inherent in the shown structure.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 10, 13, 14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over H.L. Smith (US 1,799,071), in further view of Hilneder (DE 30 11

975). Smith teaches every aspect of the invention except the sealant only in the wall/projection cavity. Hildner teaches seal 8 only in the chamber 3a formed on the block 3. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of H.L. Smith with the seal of Hildner to seal the output terminals from the motor.

9. Claims 11, 12, 15, 16, 23, 24, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over H.L. Smith (US 1,799,071), in further view of Hildner (DE 30 11 975). Smith and Horvath teach every aspect of the invention except the wall being inserted into the enclosure lead opening without contacting the enclosure and with the wall extending completely through the enclosure opening. Hildner teaches the cable block 3 inserted with an opening between the case and the block. Hildner shows a wall around the cables that extends completely through the enclosure opening. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of H.L. Smith or Horvath with the cable block/wall not in contact with the enclosure lead housing and with the wall extending completely through the enclosure opening, as in Hildner, to provide easy adjustment of the output terminals.

10. Claims 18 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over H.L. Smith (US 1,799,071), in further view of Morimoto (JP 04-075,444). Smith teaches every aspect of the invention except the gasket cavity having a periphery edge to hold the wires. Morimoto teaches the periphery edge of the gasket cavity opening

holding the leads to position the leads and contain the sealing resin. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of H.L. Smith with the cavity walls contacting and holding the wires to position and seal the wires as taught by Morimoto.

11. Claims 19 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over H.L. Smith (US 1,799,071), in further view of Bryant et al. (Bryant)(US 5,889,343). Smith teaches every aspect of the invention except the seal being epoxy. Bryant teaches the seal material being epoxy. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of H.L. Smith with the seal material being an epoxy because Bryant teaches they are used as a seal between conduit boxes and motor housings due to the low cure times and low shrinkage.

12. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over H.L. Smith (US 1,799,071), in further view of Hillix (US 1,646,962). Smith teaches every aspect of the invention except the conduit box being curved. Hillix teaches the conduit box 55 being curved. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of H.L. Smith with the curved conduit box of Hillix to mount the conduit box to the curved motor housing.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl I.E. Tamai whose telephone number is (703) 305-7066.

The examiner can be normally contacted on Monday through Friday from 8:00 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Nestor Ramirez, can be reached at (703) 308-1371. The facsimile number for the Group is (703) 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Karl I Tamai  
PRIMARY PATENT EXAMINER  
July 12, 2002

  
KARL TAMAI  
PRIMARY EXAMINER